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CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY jlg SCANNED BY: 604-18

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

James E. Harken

315 Bingham

Lansing, Mich. 48912

Plaintiff

1:23-cv-396

**Jane M. Beckering,
United States District Judge**

Gene Sperling, White House senior advisor

American Rescue Plan coordinator

Marty Walsh, Former Secretary of Labor

Defendants

The WHITE HOUSE

1600 PENNSYLVANIA AVE NW,

WASHINGTON, DC 20500

BACKGROUND INFORMATION

On his first day in office, President Biden signed Executive Order 13985, stating:

“It is therefore the policy of my Administration that the Federal Government should pursue a comprehensive approach to advancing equity for all.... “

Financial abuse is stealing/taking the money of one group of people and giving that money to another group.

FROM THE INTERNET: <https://www.usatoday.com/story/news/politics/2022/12/08/biden-teamster-federal-bailout-pension-fund/10855066002/>

President Joe Biden on Thursday, Dec. 8, 2022, announced a federal bailout for a pension fund largely benefiting Teamster workers and retirees, saying that cuts to those pension benefits that were scheduled to occur within the next few years are now “not going to happen”.

The \$36 billion dollar bailout for the Central States Pension Fund will prevent benefits from being cut more than in half for more than 350,000 truck drivers, warehouse workers, construction workers and others, according to the White House

The bailout was made possible by the American Rescue Plan Act, the \$1.9 trillion package passed in (2021) in response to the pandemic.

Financially struggling multiemployer pension plans can apply to the Pension Benefit Guaranty Corporation for assistance.

Before the act passed, more than 200 pension plans were on pace to become insolvent in the near term, according to the White House. Now, those plans are projected to remain solvent through at least 2051.

\$36 Billion for the Central Pension Fund is the biggest boost from the program, and the largest ever federal financial assistance for troubled pension funds, according to the White House.

The Western Conference of Teamsters (WCT) Pension Plan was established in 1955 through collective bargaining between labor and management. Today the plan is the largest area-wide multiemployer pension in the United States. It covers 233,000 active participants.

In 2019, the Democratic-controlled House passed a bill that would have provided loans to certain distressed or insolvent multiemployer defined benefit pension plans so they could continue to provide benefits for retirees and workers; however it never became law.

But the American Rescue Plan passed in 2021, picked up the legislation and created a Special Financial Assistance Program that is expected to spend **\$91 billion** total to support 200 multiemployer pension plans. The federal government will ensure Teamsters pensions through 2051 under the (PBGC).

It will be the single largest assistance allocation in U.S. history, said Gene Sperling, American Rescue Plan coordinator and White House senior advisor.

Companies in the private sector that provide employee pensions participate in the PGTF. Under (PBTF) there are over 33 million workers

Under (Pension Benefit Guaranty Corporation) (PBGC) SFA application metering system, PBGC will accept applications for processing.

FROM THE DETRIOT NEWS – DEC 8, 2022

Feds to provide \$36 billion to ensure Teamsters pensions through 2051

The federal government will allocate \$36 billion to shore up the Central States Pension Fund, a cash-strapped retirement fund that primarily benefits members of the Teamsters union, President Joe Biden announced Thursday.

“Its about a dignified retirement, a home and community you’ve worked in and lived in and not have to leave” Biden said Thursday during an event at the White House alongside Labor Secretary Marty Walsh and union leaders.

PLAINTIFF'S COMPLAINT

ARTICLE I: ABUSE OF EQUITY AGAINST THE MAJORITY OF PEOPLE OF THE UNITED STATES WHO WORK IN THE PRIVATE SECTOR

In his conduct as the current President of the United States, in violation of his constitutional oath faithfully to execute the offices of President of the United States, did not advance equity for all citizens of the United States but abused the equity of the majority of the private sector work force of the United States for the benefit of a small minority of union workers. Joseph Robinette Biden violated the power of the Office of the President.

PROOF OF THE ABUSE OF POWER

From the Internet

www.bls.gov (Bureau of Labor Statistics)

Select tab "Subjects"

Select tab "Current Employment Statistics"

Select tab "Home"

Select "Data"

Select "Tables" Select "Summary Table B-1B"

Under "Non Farm Payroll" "March, 2023"

154,517,000 = Total private sector non farm employees

From the Internet

www.usa.gov/agency

Select (P) (Pension Benefit Guaranty Corporation) (PBGC)

Scroll down to: "Workers & retirees"

The number of private sector workers covered under (PBGC) is approximately **33,000,000**

THEREFORE, THE % OF WORKERS IN THE PRIVATE SECTOR NOT IN (PBGC) IS

$$\frac{154,517,000 - 33,000,000}{154,517,000} * 100\% = 79\%$$

THE NUMBER OF TEAMSTER MEMBERS IN THE PRIVATE SECTOR IS APROXIMATELY 350,000.

THEREFORE, THE PERCENTAGE OF TEAMSTER WORKERS IN THE PRIVATE SECTOR IS:

$$\frac{154,517,000 - 350,000}{154,517,000} * 100\% = 1\%$$

Now, because of President Biden, 79% of the private sector workers are taxed \$36 Billion to provide pensions to the 1% of teamster union members and are taxed \$91billion to provide pensions to all workers in the 200 multiemployer pension plans. Many of the workers in the 79% group, have low paying jobs, such as in fast food restaurants, nursing home aids, house cleaning, dollar stores, etc.

79% of the private, non-farm workforce are taxed to provide guaranteed pensions to the minority group of (21%). A nice benefit to the 21% of private sector workers that the 79% majority do not enjoy.

The Pension Guaranty Trust Fund is very discriminatory as well as its executives and ultimately their boss, President Joseph Biden. There is no need for the (PGTF). It benefits only 21% of the private sector workforce and extremely discriminates against the 79% of the private sector workforce that are taxed to provide lucrative guaranteed pensions to the 21% of members but the majority 79% do not get one dime back from the PGTF.

THIS IS ABUSE OF EQUITY AGAINST THE MAJORITY OF THE PEOPLE WORKING IN THE PRIVATE SECTOR OF THE UNITED STATES. THIS FINANCIAL ABUSE, TAKING MONEY FROM THE MAJORITY IN THAT GROUP AND GIVING IT TO ANOTHER SMALL MINORITY GROUP. IT IS AN ABUSE OF POWER AND A FRAUD. FRAUD IS FRAUD. IT IS THE SAME FRAUD THAT THIS ADMINISTRATION IS DOING BY SHUTTING DOWN COAL FIRED ELECTRICAL GENERATING STATIONS BASED ON THE FRAUDULENT LIE THAT THESE STATIONS ARE CREATING CARBON DIOXIDE POLLUTION IN THE ATMOSPHERE THAT IS CAUSING GLOBAL WARMING.

CONCLUSION

THE JUDICIAL BRANCH OF THE U.S. MUST ACT QUICKLY TO:

1. CANCEL THE DISCRIMINATORY \$91 BILLION FINANCIAL ASSISTANCE PROGRAM IN THE BIDEN AMERICAN RESCUE PLAN.
2. GET THE ARMY INVOLVED TO MAKE SURE ALL MONEY IS RETURNED TO THE UNITED STATES.
3. **SHUT DOWN** THE DISCRIMINATORY PENSION GUARANTEE TRUST FUND. THIS DEPARTMENT ONLY BENEFITS A SMALL MINORITY OF THE PRIVATE SECTOR WORK FORCE TO THE DETRIMENT OF THE MAJORITY.
4. ENSURE THAT HIGH LEVEL EMPLOYEES OF (PGTF) DO NOT GET GOLDEN PARACHUTES OR PROMOTIONS.
5. CHARGE BOTH DEFENDANTS AND PRESIDENT JOSEPH BIDEN WITH FRAUD, ABUSE OF POWER, FINANCIAL ABUSE & DISCRIMINATION

James E Harken
April 17, 2023